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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION  
12

13 UNITED STATES OF AMERICA, )  
14 )  
15 Plaintiff, )  
16 v. )  
17 TEODORO LANDA, )  
Defendant. )

No. CR 09-00096 LHK

STIPULATION AND ~~PROPOSED~~  
ORDER CHANGING SENTENCING  
HEARING FOR TEODORO LANDA  
FROM MARCH 28, 2012, TO MAY 2,  
2012

18  
19 The United States and defendant Teodoro Landa currently have a sentencing hearing  
20 scheduled for March 28, 2012. The defendant's plea agreement, filed under seal, provides in  
21 part that the defendant may seek a downward departure pursuant to U.S.S.G. § 5K1.1, provided  
22 that he cooperates with the government, including through the trial of his co-defendants. The  
23 last defendant in this matter, Nelson Orellana, was convicted on both counts in the superseding  
24 indictment on March 20, 2012. Due to the recent verdict and the government's need to evaluate  
25 and likely file a motion seeking a downward departure, the parties request that defendant's  
26 sentencing hearing be rescheduled to May 2, 2012, at 9:00 a.m., or, should that date not be  
27 available, May 23, 2012.

1 The Probation Officer is available on that date.

3 DATED: March 21, 2012

MELINDA HAAG  
United States Attorney

/S/

6 GRANT P. FONDO  
Assistant United States Attorney

/S/

8 WM. MICHAEL WHELAN, JR.  
Counsel for Defendant

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**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that sentencing status hearing as to Teodoro Landa is rescheduled to May 2, 2012, at 9:00 ~~10:00~~ a.m.

IT IS SO ORDERED.

DATED: 3/22/12

  
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LUCY H. KOH  
UNITED STATES DISTRICT JUDGE